

## **Introductory remarks**

### **Dragoljub Duško Vuković**

Media Council for Self-Regulation (MSS) recorded a total of 113 violations of the Code of Montenegrin Journalists (the Code) from March to October this year, while at the same time, Human Rights Action (HRA) associates observed six times more, a total of 659 violations.

Of the total number of recorded violations of the Code, MSS observed 92 or 81% in daily newspapers “Dan” and “Vijesti” and portal “Vijesti”, media that are not members of this self-regulatory body and do not recognize its authority. On the other hand, HRA associates observed 267 violations of the Code, or 40.5% of the total number of violations, by monitored media outlets that are members of MSS.

Although the majority of MSS members are broadcast media (radio and TV), from March to October 2013 this self-regulatory body recorded only one violation of the Code in this type of media, specifically, by RTCG. During the same period, HRA observed 68 violations of the Code only by the five monitored TV stations within their primetime news programmes, four of which are members of MSS.

Therefore, we recommended in the report that MSS should pay more attention to monitoring the broadcast media, and especially its members, in order to avoid the impression that these media outlets do not violate the Code.

In the period from 1 March to 1 October 2013, covered by the report, Principle 10, the presumption of innocence, was violated the most. Of the total number of recorded violations (527) of Principle 10 of the Code, MSS recorded only six and HRA associates 521. Bearing in mind the number of violations of Principles 10, the presumption of innocence, in this report HRA recommended self-regulatory bodies to support the proposal that, in case that the upward trend in violations of the presumption of innocence by the media continues, the court should be authorized, through an amendment to the Criminal Procedure Code, to observe and punish violations of the presumption of innocence by the media.

After Principle 10, most violations were of Principle 1 and 3 of the Code, which specify some of the basic professional ethical standards, such as those from Principle 1 that it is the duty of a journalist to “respect the truth and persistently search for it”, or Principle 3 that states that “the facts should be sacred for a journalist...” and that the news and commentary should be separated. MSS recorded 23 violations of Principle 1, and HRA associates twice the number – 49 violations. In relation to Principle 3, MSS recorded 11 violations, and HRA associates 24.

Noting the frequency of violations of principles 1 and 3 of the Code, we recommended self-regulatory bodies to initiate a debate within the journalistic and media community about the necessity of consistent compliance with ethical and professional standards.

In as many as 37 cases, MSS in its reports did not specify the principles of the Code that had been violated.

In the period covered by the report, MSS continued to violate the provisions of its Statute in relation to the provision which stipulates that the MSS Monitoring team is obliged to “seek the opinion of the media that was accused of violating the Code of Montenegrin Journalists in the application of viewers/readers/listeners or based on the monitoring of the Monitoring team”. According to information HRA gathered from editors of daily newspapers “Vijesti” and “Dan”, which are commonly referred to as violators of the Code in MSS reports, MSS never asked them for any statements regarding the complaints on the published content, neither on the findings of the MSS Monitoring team. This provision was not violated only in the case of a complaint submitted to MSS by HRA on the conduct of the daily “Pobjeda”.

From 1 March to 1 October 2013, MSS received eight complaints about the content of media members and non-members, and in all cases, judging on the basis of the arguments set forth in the reports, MSS assessed properly.

Although earlier this year the MSS announced the development of a special rulebook, it still does not have defined procedures for dealing with complaints. In this report, HRA recommends it should be done as soon as possible.

We also recommended to the TV Vijesti Ombudsman, whose first two reports we analysed, that these reports should be methodologically uniform and detailed, and should accurately interpret complaints from viewers and their arguments, as well as the reactions of the Ombudsman and the arguments in favour of or against the viewer's complaint.

Between two HRA reports, no self-regulatory body, nor any media outlet or press community raised the issue of amending the Code of Montenegrin Journalists in order to improve and adapt it to new ethical challenges.

HRA in this report recommended self-regulatory bodies to propose new guidelines for the application of the Code. For example, given the need to thwart and punish offensive speech in the media through a process of self-regulation, it would be necessary, in line with comparative practice, to amend the existing Code in a way that facilitates the work of those who assess the ethics of media content.

Since there is no single self-regulatory body, the current bodies could initiate the formation of a joint expert working group with the mandate to perform that task.

After daily “Vijesti” appointed the Ombudsman for its readers, among the relevant media outlets in Montenegro, only daily “Dan” and weekly “Monitor” remained outside of any self-regulatory process. Both media outlets should opt for a model of self-regulation as soon as possible, especially having in mind that daily “Dan” has the most recorded cases of violations of the Code of Journalists of Montenegro.